

## REMARKS

### *Rejections Under 35 USC § 103(a)*

The Examiner maintains his rejection of claims 1-4, 6, 8-10, 14-16, 18-26, and 28-39 under 35 USC § 103(a) as being obvious over U.S. patent number 5,404,291 (hereinafter “*Kerr*”) in view of U.S. patent number 6,085,169 (hereinafter “*Walker*” and further in view of U.S. patent application publication number 2003/0061145 (hereinafter “*Norrid*”). *Office Action*, 4. The Applicant respectfully traverses.

The Examiner argues that “the independent claims recite ‘inventory categories’ and ‘tiers’, which are sufficiently broad terms that “rate categories of *Kerr* can satisfy “inventory categories” and “room-types” of *Kerr* can satisfy tiers.” *Office Action*, 2. The claims have been amended to clarify that the claimed ‘tier’ is a ‘rate tier,’ and further that ‘each inventory category based on a physical type of inventory, each physical type of inventory in each inventory category priced according to the associated rate tier.’ See *SPECIFICATION*, [0035], [0038].

*Kerr* states that “[t]he advantage of the invention is that the reservations-manager **does not need** to make a specific, rigid **allocation** of rooms by physical room-type to a rate-category.” *Kerr*, col. 4, lines 11-14. This disclosure by *Kerr* clearly **teaches away** from the claim limitation of allocating maximum inventory allotments for each inventory category (e.g., physical room-type) to each rate tier as recited in the independent claims. Because rigid allocations or allotments are undesirable under the teachings of *Kerr*, there is, further, no motivation to combine *Kerr* with any reference that teaches such an rigid allocation or allotment.

*Kerr* fails to teach all the claim limitations of the independent claims. The addition of *Walker* and/or *Norrid* does nothing to cure the deficiency of *Kerr* to disclose all the limitations of the independent claims, including the allocation of a maximum allotment.

As each dependent claim incorporates each and every element of the claim upon which it depends, *Kerr*, *Walker*, and *Norrid* further fail to render obvious the dependent claims, which are allowable for at least the same reasons.

## CONCLUSION

The Examiner's rejections are overcome in that the cited references fail to teach each and every limitation of the independent claims. Each of the dependent claims incorporates by reference all the limitations of the independent claim from which it depends and is therefore allowable for at least the same reasons.

Notwithstanding the current amendments, the Applicant believes that the scope of the claimed subject matter has been previously searched and considered. No further rejection, search, or consideration is required or warranted.

The Applicant respectfully requests the passage of the present application to allowance. The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,  
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